

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

| | | |
|--|---|-----------------------------------|
| Phyllis Gaither Montague, on behalf of |) | Civil Action No.: 3:09-cv-687-JFA |
| Herself and all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | <u>CONSENT ORDER</u> |
| |) | |
| Dixie National Life Insurance Company, |) | |
| National Foundation Life Insurance |) | |
| Company, |) | |
| |) | |
| Defendants. |) | |
| |) | |

It appearing that this matter has been settled, this matter appears before the Court upon Consent Motion of the parties, as follows:

1. Defendant National Foundation Life Insurance Company shall deposit with the Court settlement proceeds of \$3,362,822.00 on or before July 5, 2011. This amount represents a complete settlement in full of the above captioned matter, including any and all claims asserted by the Plaintiff Class by and through June 20, 2011. These funds are deposited on behalf of National Foundation Life Insurance Company, Dixie National Life Insurance Company, and their parents, affiliates, and/or subsidiaries.

2. The settlement funds shall be held by the Court pending the execution of mutually agreeable settlement documents by and between the parties, final approval of this Court of the settlement of this matter, the dismissal of this action with prejudice, and disbursement of the settlement funds to the Class Members pursuant to the terms of the Court's final order approving the settlement, provided that the settlement of this matter shall require that National Foundation

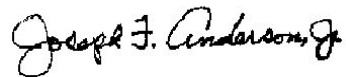
Life Insurance Company pay future benefits in accordance with the declaratory judgment contained in this Court's June 8, 2011 Order.

3. All time periods relating to the filing of Motions to Reconsider the Court's June 8, 2011 Order, the appeal of Orders entered by the Court in this matter, the posting of a Supersedeas Bond, and/or the execution of the Final Judgment entered on June 20, 2011 shall be stayed upon the deposit of the settlement funds into the Court.

4. The deposited funds shall be returned to National Foundation Life Insurance Company and the stay of the deadlines and/or time periods indicated above shall be lifted in the event (1) the Court fails to approve the settlement; or (2) the parties fail to agree on mutually acceptable settlement documents. In the event that either such condition occurs, execution of the judgment is automatically stayed for a period of five (5) days from the date of the event or order, during which time Defendant(s) may post an appropriate supersedeas bond to secure the judgment during any subsequent proceedings or appeals.

IT IS SO ORDERED.

July 5, 2011
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge